

COST SHARE AGREEMENT

Following is a Cost Share Agreement between the Agencies identified below as negotiated for the following incident.

INCIDENT NAME: Kinney INCIDENT NUMBER: SD-SDS-121163

START DATE AND TIME: 9/4/2012 1556

FIRE/"P" NUMBER: SFM126525 / P2G7R2

ESTIMATED COSTS TO DATE: \$950,000

FINAL SIZE: 1504 ACRES, (1154 USFS/350 PVT; 69% USFS and 31% State of South Dakota)

This Cost Share Agreement between South Dakota Department of Agriculture and USFS - Black Hills National Forest, Hell Canyon Ranger District, was prepared under the following authorities provided by Cooperative Fire Protection Agreement Number 07-FI-11020000-01

It is hereby agreed that the costs on this Incident will be shared as follows:

Costs will be apportioned based on acreage split between private land and the US Forest Service System lands burned for fire suppression and fireline rehab costs. BAER team costs are not included in this cost-share. Joint or separate cost recovery actions on behalf of both agencies that are signatory to this agreement will be decided at a later date between the United States Attorney's Office, District of South Dakota; and the South Dakota Attorney General's Office.

Furthermore it is agreed that costs on this Incident will be shared as follows:

1. All suppression costs, including those incurred in the mutual aid period will be used to determine total incident costs for this cost share agreement.
2. Non-suppression rehabilitation costs are the responsibility of the jurisdictional agencies and will not be shared.
3. Possible tort claims or claims against third parties will not be a part of this agreement.

4. All other costs will be shared based on acreage burned in each jurisdiction as of the containment date. (Exhibit A) The rationale for this method is that control actions were consistent on all acres regardless of jurisdiction.

5. Within 6 months, the parties to this agreement will meet to determine the total costs of each agency. The agency whose total actual costs exceed their proportional share of the overall incident final costs as determined within this agreement will bill the other agency. Both agencies will agree to reduce their costs by the net amount of any settlements received from third parties in suppression cost recovery actions. The billing, when paid, will result in each agency sharing overall incident costs as herein agreed.

This Agreement and the apportionment described are our best judgments of fair and equitable Agency cost responsibilities.

Agency: South Dakota Department of Agriculture – Jay Esperance, Division Director

Signature: Jay T. Esperance Date: 11-28-2012

Agency: USFS – Black Hills National Forest, Hell Canyon Ranger District – Lynn Kolund, District Ranger

Signature: Lynn D. Kolund Date: 11/19/2012